

PROPOSED REVISIONS TO THE RULES GOVERNING ADMISSION TO THE BAR

The Board of Bar Examiners is considering whether to recommend proposed amendments to the Rules Governing Admission to the Bar for the Supreme Court's consideration. If you would like to comment on the proposed amendments set forth below before they are submitted to the Court for final consideration, you may do so by either submitting a comment electronically through the Supreme Court's web site at <http://nmsupremecourt.nmcourts.gov/> or sending your written comments to:

Kathleen J. Gibson, Clerk
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504-0848

Your comments must be received on or before January 25, 2010, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court's web site for public viewing.

15-103. Qualifications.

A. **Requirements mandatory.** Licenses to practice law shall be granted only to applicants who fulfill all of the requirements of these rules.

B. **Qualifications.** Every person seeking admission to practice law in New Mexico shall file a formal application as prescribed by these rules and as required by the board. Submission of the application shall constitute submission by the applicant to the jurisdiction of the New Mexico Board of Bar Examiners until a final determination upon admission of the applicant may be completed. Every applicant shall have the burden of establishing to the satisfaction of the board that the applicant possesses all of the following qualifications:

- (1) is at least eighteen (18) years of age;
- (2) is a graduate with a juris doctor or bachelor of laws and letters degree (at the time of the bar examination for which application is made) of a law school formally accredited by the American Bar Association or is a graduate of any law school who has been engaged in the practice of law in another state or states for at least four (4) of the six (6) years immediately preceding the person's application for admission to practice in New Mexico;
- (3) is a person of good moral character, physically and mentally fit to practice law;
- (4) is, if ever admitted to practice in any other state or states, in good standing in such state or states;
- (5) is professionally qualified for admission to the bar of New Mexico;
- (6) is in compliance with all child support and spousal support obligations imposed under a "judgment and order for support" as defined in the Parental Responsibility Act, Sections 40-5A-1 through 40-5A-13 NMSA 1978, or imposed under a child support or spousal support order entered by any other court of competent jurisdiction. If an applicant is not in compliance with a child support or spousal support obligation, the applicant will not be recommended for admission to the bar until the applicant provides the board with evidence that the

applicant is in compliance with the judgment or order. If the applicant has appeared on the Human Services Department's certified list of obligors, the applicant shall submit a certified statement from the Human Services Department that the applicant is in compliance with the judgment and order for support. In all other cases, the applicant shall provide evidence acceptable to the board of compliance with all applicable child and spousal support orders; and

(7) is a citizen or national of the United States, an immigrant alien lawfully admitted for permanent residence in the United States, or an alien otherwise authorized to work lawfully in the United States.

C. Character and fitness standards and investigation.

(1) The purpose of character and fitness investigation before admission to the bar is to assure the protection of the public and to safeguard the justice system.

(2) The applicant bears the burden of proving good character in support of the application.

(3) The revelation or discovery of any of the following may be treated as cause for further inquiry before the board determines whether the applicant possesses the character and fitness to practice law:

- (a) unlawful conduct;
- (b) academic misconduct;
- (c) misconduct in employment;
- (d) acts involving dishonesty, fraud, deceit or misrepresentation;
- (e) acts which demonstrate disregard for the rights or welfare of others;
- (f) abuse of legal process, including the filing of vexatious or frivolous lawsuits;

- (g) neglect of financial responsibilities or professional obligations;
- (h) violation of an order of a court, including child support orders;
- (i) conduct that evidences current mental or emotional instability that may impair the ability to practice law;

- (j) conduct that evidences current drug or alcohol dependence or abuse that may impair the ability to practice law;

- (k) denial of admission to the bar in another jurisdiction on character and fitness grounds;

- (l) disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction;

- (m) making of false statements, including omissions, on bar applications in this state or any other jurisdiction; or

- (n) as otherwise determined by the board for just and good cause.

(4) The board shall determine whether the present character and fitness of an applicant qualifies the applicant for admission. In making this determination, the following factors should be considered in assigning weight and significance to prior conduct:

- (a) the applicant's age at the time of the conduct;
- (b) the recency of the conduct;
- (c) the reliability of the information concerning the conduct;
- (d) the seriousness of the conduct;
- (e) the factors underlying the conduct;
- (f) the cumulative effect of the conduct or information;
- (g) the evidence of rehabilitation;

- (h) the applicant's positive social contributions since the conduct;
- (i) the applicant's candor in the admissions process; and
- (j) the materiality of any omissions or misrepresentations.

(5) The applicant has a continuing obligation to update the application with respect to all matters inquired of on the application. This obligation continues during the pendency of the application, including the period when the matter is on appeal to the board or the Court.

(6) **Essential Eligibility Requirements.** In addition to the character and fitness criteria set forth above, an applicant must meet the following essential eligibility requirements for the practice of law:

(a) demonstrates the ability to reason, recall complex factual information and integrate that information with complex legal theories;

(b) demonstrates the ability to communicate with clients, attorneys, courts, and others with a high degree of organization and clarity;

(c) demonstrates the ability to use good judgment, both ethically and professionally, on behalf of clients or oneself when conducting business and when engaging in financial dealings;

(d) demonstrates the ability to avoid illegal, dishonest, fraudulent or deceitful conduct in one's personal and professional relationships and with respect to one's legal obligations;

(e) demonstrates the ability to avoid acts that exhibit disregard for the rights, health, safety and welfare of others;

(f) demonstrates the ability to comply with the requirements of the Rules of Professional Conduct, applicable state, local, and federal laws, regulations, statutes and any applicable order of a court or tribunal;

(g) demonstrates the ability to act diligently and reliably in fulfilling one's obligations to clients, attorneys, courts and others; and

(h) demonstrates the ability to comply with deadlines and time constraints.

D. **Conviction; rehabilitation.** A person who has been convicted of a serious crime as defined under these rules shall prove good moral character by demonstrating by clear and convincing evidence that the applicant is rehabilitated and satisfies all other requirements for good moral character.

E. **Examination.** All applicants shall be required to take and pass the written examination except as otherwise provided with respect to law faculty at the University of New Mexico.

[As amended, effective November 14, 1988; July 24, 1996; as amended by Supreme Court Order 05-8300-10, effective September 1, 2005; as amended by Supreme Court Order No. 08-8300-28, "effective for the February 2009 bar examination"; as amended by Supreme Court Order No. _____, effective _____.]
